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July 14, 2021

BY ECF

Honorable Debra Freeman
Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007 – 1312

Re: SingularDTV GmbH v. John Doe, 1:21-cv-06000-VEC

Dear Judge Freeman:

This firm represents Plaintiff SingularDTV GmbH (“SingularDTV” or the “Company”) in the above-referenced case. Plaintiff respectfully submits this letter pursuant to Local Civil Rule 37.2 to request an informal, pre-motion conference regarding Plaintiff’s anticipated motion for leave to serve third-party subpoenas prior to a Fed. R. Civ. P. 26(f) conference.

BACKGROUND

Plaintiff SingularDTV GmbH brought this action against Defendant John Doe for claims arising under the Computer Fraud and Abuse Act (18 U.S.C. § 1030), Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. § 1962(a)), conversion, fraud in the inducement and unjust enrichment by filing a complaint on July 13, 2021 (the “Complaint”).

Plaintiff alleges in the Complaint that Defendant, accessed a Company e-mail account and impersonated a shareholder of the Company to fraudulently acquire cryptocurrency valued at approximately Two Million Dollars (\$2,000,000.00).

PLAINTIFF’S ANTICIPATED MOTION FOR LEAVE TO SERVE THIRD-PARTY SUBPOENAS PRIOR TO A FED. R. CIV. P. 26(F) CONFERENCE

Defendant’s identity remains unknown, and no Defendant has yet appeared in this matter. Plaintiff is unable to identify the Defendant because, at present, the only information available to Plaintiff is the e-mail address used by the Defendant to impersonate the Company shareholder to unlawfully obtain the cryptocurrency. Furthermore, the stolen cryptocurrency is untraceable using available online tools.

As such, Plaintiff intends to file a motion for leave to serve subpoenas on third parties who possess information necessary to identify the Defendant and locate the stolen cryptocurrency. With this information, Plaintiff may properly serve the Defendant as well as efficiently develop the factual record in order to fully adjudicate its claims.

Therefore, Plaintiff respectfully requests a pre-motion discovery conference to address Plaintiff’s anticipated motion for leave to serve third-party subpoenas prior to a Fed. R. Civ. P. 26(f) conference.

Hon. Debra Freeman
July 14, 2021
Page 2

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests a pre-motion conference regarding its anticipated motion for leave to serve third-party subpoenas prior to a Fed. R. Civ. P. 26(f) conference.

Respectfully submitted,

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